

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-172443-001 DT

01/13/2010

COMMISSIONER KEELAN BODOW

CLERK OF THE COURT
L. Sheehan
Deputy

STATE OF ARIZONA

HEATHER LEE KIRKA

v.

BRITNEY MICHELLE DAVIS (001)
DOB: 10/15/1987

JAMES GILBERT DAILEY

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
PRETRIAL SERVICES AGENCY-CCC
RFR
VICTIM SERVICES DIV-CA-CCC

SUSPENSION OF SENTENCE - UNSUPERVISED PROBATION

11:46 a.m.

Courtroom ECB 011

State's Attorney:	Ronald Herrick
Defendant's Attorney:	James Dailey
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the information provided, the Court finds probation to be mandatory pursuant to A.R.S. § 13-901.01(F) due to the fact that this is the Defendant's second drug conviction.

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Count 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 (As Amended): POSSESSION OF DRUG PARAPHERNALIA
Class 6 Undesignated

A.R.S. § 13-3401, 13-3408, 13-3408(A)(1), 13-3415, 13-3415(A), 13-3418, 13-610, 12-114.01, 13-701, 13-702, 13-604, 13-707, 13-801, 13-802, 13-901.01(D), 13-901.01(F)

Date of Offense: 11/17/2009

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and placing Defendant on Unsupervised Probation to be monitored by the Adult Probation Department (APD) in accordance with APD's Compliance Monitoring Standards:

Count 1 Probation Term: 18 MONTHS

To begin 01/13/2010.

Conditions of probation include the following:

Condition 14 - Provide a sample for DNA testing if required by law.

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 03/01/2010.

FINE: Count 1 - Total amount of \$2,208.00, which includes surcharges of 84%, payable \$100.00 per month beginning 03/01/2010.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

All amounts payable through the Clerk of the Superior Court.

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Condition 19 - Count 1: Complete a total of 24 hours of community restitution beginning 01/13/2010 at a minimum of 6 hours each month. Provide proof of completion to APD as stated in the written conditions of probation.

Condition 26 - Other: Be screened for substance abuse treatment, follow any recommendation, and provide verification to APD (minimum of 8 hours of drug education/substance abuse treatment).

IT IS ORDERED granting the Motion To Dismiss the following: Count 1.

Defendant has waived the preparation of a presentence report.

11:48 a.m. Matter concludes.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER KEELAN BODOW
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)